IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

FRED L. PLUMP, Plaintiff, v. HONORABLE BOB RILEY, as Governor of the State of Alabama, Defendant.	CIVIL ACTION NO. 2:07-cv-01014-MEF-CSC

Plaintiff's Motion for Judicial Notice

The plaintiff moves the Court to take judicial notice of the complete court file in *Yvonne Kennedy v. Bob Riley,* No. 2:05-cv-01100-MHT-DRB (MD Ala).

The Eleventh Circuit has held that "[a] court may take judicial notice of its own records and the records of inferior courts." *United States v. Rey*, 811 F.2d 1453, 1457 n.5 (11th Cir. 1987); *see also ITT Rayonier, Inc. v. United States*, 651 F.2d 343, 345 n.2 (5th Cir. Unit B July 1981) (same); *Kinnett Dairies, Inc. v. Farrow*, 580 F.2d 1260, 1277 n.33 (5th Cir. 1978) (same); *United States v.* Glover, 179 F.3d 1300, 1302 n.5 (11th Cir. 1999) (quoting *Rey*); *Fla. Bd. of Trustees of Internal Improvement Fund v. Charley Toppino & Sons, Inc.*, 514 F.2d 700, 704 (5th Cir. 1975) ("It is not error . . . for a court to take judicial notice of related proceedings and records in cases before that court."). The Supreme Court has likewise long recognized the propriety of taking judicial notice of its own records in related proceedings. *See Nat'l Fire Ins. Co. of Hartford v. Thompson*, 281 U.S. 331, 336 (1930);

Freshman v. Atkins, 269 U.S. 121, 124 (1925). As the former Fifth Circuit colorfully put it some years ago, "The District Court clearly had the right to take notice of its own files and records and it had no duty to grind the same corn a second time. Once was sufficient." *Aloe Creme Labs., Inc. v. Francine Co.*, 425 F.2d 1295, 1296 (5th Cir. 1970).

Submitted by,

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CERTIFICATE OF SERVICE

I certify that on 4 January 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

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